

## **REMARKS**

### **Amendments**

Applicant has amended independent claim 1 to include language stating that claimed the “digital content” displayed on the claimed portable device “was previously downloaded from the data communication network” and “is displayed using a browser while the portable apparatus is not connected to the data communication network”. Similarly, Applicant has amended independent claim 12 to include language stating that the “the digital content is displayed using a browser executing on the portable apparatus when the portable apparatus is not connected to the data communication network”. The language added to claims 1 and 12 finds support in the disclosure at p. 12, l. 23 to p. 13, l. 19 of the specification, among other places. Applicant has amended dependent claims 7, 10, and 11 to use consistent terminology with amended independent claim 1.

Additionally, Applicant has amended his two other independent claims, 13 and 14, to state that the data cast transmission received by the portable device “is a high definition television (HDTV) transmission”. The language added to claims 13 and 14 finds support in the disclosure at p. 40, ll. 1-23 of the specification, among other places.

Applicant has also amended dependent claim 5 to state that the “non-volatile storage medium is flash memory”. This language finds support in the disclosure at p. 13, ll. 7-10 of the specification, among other places. And Applicant has amended dependent claim 6 to state that the portable device includes “a touch screen to receive user input”. This language finds support in the disclosure at p. 18, ll. 13-18 of the specification, among other places.

Applicants have cancelled no claims and added no new claims. Consequently, claims 1-15 remain pending in the prosecution.

### **Objection to Drawings**

The Examiner has objected to the drawings as not being "formal". Such an objection is no longer valid. See MPEP 608.02(b)(I). Further, Applicant believes that the black-and-white line drawings submitted as replacement drawings on July 6, 2001, are readable and reproducible for publication purposes, as required by that section.

### **Rejections Based on Prior Art**

The Examiner has rejected claims 1-6 and 8-15 under 35 U.S.C. 102, as being anticipated by U.S. Patent No. 6,671,757 to Multer et al. (hereafter "Multer"). The legal standard for anticipation is well established. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See MPEP 2131. Since Multer does not expressly or inherently describe each and every element in Applicant's amended claims, Applicant respectfully traverses this rejection.

In particular, independent claims 1 and 12 now include language stating that the Applicant's portable device uses a browser to display the downloaded digital content stored in the device's non-volatile storage. Multer nowhere teaches such functionality. As the Examiner noted, the Multer specification does mention a web browser at several points in the specification. However, in Multer, the web browser is used for "online browsing", not for "offline browsing" as described at p. 22, ll. 18-21 of the Applicant's specification and now in claims 1 and 12.

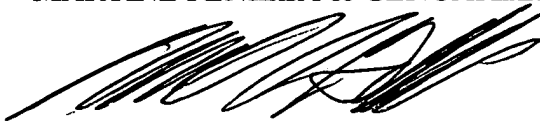
Similarly, Multer nowhere teaches the "HDTV transmissions" described in independent claims 13 and 14, the "flash memory" described in dependent claim 5, or the

“touch screen” described in dependent claim 6. None of those terms is present in the Multer disclosure. Nor does the Multer disclosure describe anything that might read on those terms.

In addition to the rejections based on anticipation, the Examiner has rejected dependent claim 7 under 35 U.S.C. 103(a), as obvious over Multer in view of officially noticed matter, i.e., that a browsing engine would display a maximized client window. Regardless of whether that officially-noticed matter is true, Multer does not expressly or inherently teach the base functionality for offline-browsing described in amended claim 1 from which claim 7 depends. See MPEP 2143(D). Therefore, Multer and the matter officially noticed does not render obvious claim 7.

Based on the foregoing, Applicant believes that each of his amended claims is allowable and requests a notice allowing them. If the Examiner has any questions concerning the present response, the Examiner is requested to contact the undersigned at the telephone number set forth below.

Respectfully submitted,  
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